

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GABRIEL CHAPARRO,

Defendant.

8:08CR266

ORDER

This matter is before the court on the motion for an extension of time by defendant Gabriel Chaparro (Chaparro) (Filing No. 12). Chaparro seeks an additional sixty days in which to file pretrial motions. Chaparro has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Chaparro's motion for an extension of time (Filing No. 12) is granted. Chaparro is given until **on or before October 17, 2008**, in which to file pretrial motions. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 18, 2008 and October 17, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Trial of this matter scheduled for September 22, 2008, is continued *sine die* and will be rescheduled following the disposition of any pretrial motions.

DATED this 18th day of August, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge